REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested. Claims 1-9, 14-22, 25-34, 39-47 and 50-60, are in the case.

Claim Amendments

New claim 56, dependent on claim 1, is added to recite the additional limitation of the folder selection module providing a first user-selectable option to approve the pre-selected folder and a second user-selectable option to allocate the current message to any user selected folder in the plurality of folders. Support for the amendment may be found, for example, at paragraphs [0003], [0026] and [0027] of the application as filed. New claims 57-60 recite analogous limitations and are dependent on claims 22, 29, 54 and 55, respectively. No new matter is added.

Claims 1-9, 14-22, 25-34, 39-47 and 50-60 are in the application. Claims 1, 22, 29, 47, 54 and 55 are independent.

35 U.S.C. 103(a) – Obviousness

The Examiner has rejected claims 1-9, 14-22, 25-34, 39-47 and 50-55 under 35 U.S.C. 103(a) as being unpatentable over Chung (U.S. Publication No. 2004/0117451 A1), in view of Milovanovic (U.S. Pulbication No. 2003/0065728), and further in view of Entwhistle (U.S. Patent Publication No. 2002/0040370).

In the Office Action dated April 16, 2009, the Examiner argues that Applicant's arguments with respect to claims 1-55 (sic) are moot in view of the new grounds of rejection. Despite this, the Examiner in the current Office Action repeats portions of earlier rejections that have previously been addressed by Applicant's arguments, again without providing a rebuttal. Applicant respectfully submits that if the claim element at issue is substantially similar to previous versions, and if

the same reference is cited by the Examiner to provide that element, then the Applicant's arguments on that issue remain relevant even if other elements of the rejection have changed. In other words, if portions of the Examiner's rejection remain unchanged, it follows that the Applicant's arguments with respect to those unchanged portions do not become moot simply because a new reference is introduced to provide some other element of the claim.

With respect to claim 1 in particular, Applicant has previously submitted in the Responses dated May 12, 2008 and January 28, 2009 that Chung fails to disclose element (c) of claim 1: "a folder pre-selection cache comprising up to n configurable entries ...". Chung simply teaches determining whether a message contains "predefined identifiers" (i.e., particular XML tags) and, if it does, interpreting the XML to file the message accordingly (Chung, paragraph [0158] to [0164]). To the extent that Chung does teach a filtering system based on predefined identifiers, it is static and pre-determined and not "configurable". There is no cache involved. Accordingly, it is respectfully submitted that Chung fails to disclose "a folder pre-selection cache having n configurable entries".

In Applicant's response dated January 28, 2009, element (c) was amended to recite "a folder pre-selection cache on the electronic communication device". This amendment was part of several similar amendments introduced to address a subject matter rejection. It is respectfully submitted that this amendment does not change the nature of the Applicant's arguments with respect to element (c), much as it apparently did not change the nature of the Examiner's rejection.

As the Examiner has yet to provide a rebuttal to Applicant's previous arguments with respect to element (c), Applicant is at a loss to explain how Chung discloses this element and is thus handicapped in responding to the Examiner's rejection to advance prosecution.

Based on the foregoing, Applicant respectfully reiterates that Chung necessarily fails to disclose "a message comparison module for comparing a comparison criterion, derived from the current message to distinguish the current message, with the associated pre-selection criterion of at least one entry **in the folder pre-selection cache to determine a matching entry in the folder pre-selection cache**". Likewise, Chung fails to disclose "a folder pre-selection module, for pre-selecting the folder identified by the associated folder identification of the matching entry when the message comparison module determines the matching entry **in the folder pre-selection cache**".

Likewise, it is respectfully submitted that the Examiner has not rebutted Applicant's arguments with respect to elements allegedly disclosed by Entwhistle. Specifically, it is submitted that Entwhistle fails to disclose "the folder pre-selection cache includes a corresponding configurable entry for each message in the up to n messages" and "the cache updating means is operable, for each message in the up to n messages, to update the folder pre-selection cache, by configuring the corresponding configurable entry in the folder pre-selection cache such that the associated pre-selection criterion is derived from the message, and the associated folder identification of the corresponding entry identifies an associated user-selected folder previously selected for the message". The Examiner again cites paragraphs [0022]-[0028] in rejecting the first element above and paragraphs [0007]-[0017] for the second element.

Paragraphs [0022]-[0028] merely provide an example of "storage locations [...] split into a series of folders, each having an identified attribute within that storage location such as, in the case of the 'companies' storage location, 'retailers', 'financial' and 'government'" (Entwhistle, paragraph [0021]). In other words, the cited paragraphs disclose an ordinary, folder-based e-mail filing system. However, Entwhistle elsewhere discloses a correlation database, wherein information extracted from headers of e-mails in the storage folders may be stored (paragraph [0041]). The correlation database taught by Entwhistle

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appears to use statistical correlation, wherein statistically-significant keywords are determined to be used for correlating with incoming messages. As such, the correlation database would not have a "configurable entry for each message"; rather, it contains aggregate data. Thus, even if the "correlation database" is taken to be a "folder pre-selection cache", Entwhistle fails to disclose a "corresponding configurable entry for each message in the up to n messages". It follows that the cache updating means is not operable to update the folder preselection cache, **by configuring the corresponding configurable entry in the folder pre-selection cache such that the associated pre-selection criterion is derived from the message ...".**

At page 4 of the current Office Action, the Examiner asserts that Fig. 10 E of Chung discloses "a user-interface means on the electronic communication device for displaying the current message and the pre-selected folder wherein the user-interface means comprises a folder selection module operable by a user, and the folder selection module is operable by the user to allocate the current message to a user selected folder in the plurality of folders".

In an apparent contradiction, the Examiner then concedes that Chung fails to disclose the folder selection module, and instead asserts that Milovanovic teaches a "pre-selection" folder selection module.

Although the Examiner's rejection is unclear on this point, Applicant assumes the Examiner does **not** take the position that Chung discloses that "the folder selection module is operable by the user to allocate the current message to a user selected folder in the plurality of folders", but rather it is Milovanovic that discloses this element.

New claim 56, which is dependent on claim 1, recites that the folder selection module provides a first user-selectable option to approve the pre-selected folder and a second user-selectable option to allocate the current message to any user

selected folder in the plurality of folders. In contrast, Milovanovic teaches a two-step process in which the user first configures folder-name or folder-keyword associations (Fig. 2, step 101), before being able to allocate a current message to a folder associated with a name/keyword. In other words, according to Milovanovic, the user does not actually allocate the current message to a folder but rather allocates the message to a set of names and keywords, which are themselves associated with one or more folders. It follows that Milovanovic does not provide a first user-selectable option to approve the pre-selected folder (the user can only confirm the name or keyword to be used when filing the message), nor does Milovanovic provide a second user-selectable option to allocate the current message to any user selected folder, since the user is only able to select the names and keywords previously configured (folders that were not previously configured are not available for the current message). Additionally, the extra layer of name/keyword labels taught by Milovanovic requires the user to remember what name/keyword folder associations have been previously created in order to file a message in a specific folder.
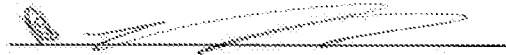
New dependent claims 57-60 recite analogous features and are dependent on claims 22, 29, 54 and 55, respectively.

Accordingly, for the reasons set out above, it is respectfully submitted that claim 1 is novel and non-obvious in view of the known art. Independent claims 22, 29, 47, 54 and 55 are analogous and therefore similarly allowable. Likewise, it is submitted that the dependent claims are also allowable at least by reason of dependence upon their respective base claims, and also for the additional features they recite.

In view of the foregoing, reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

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Encl.